IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 18130 of 2004

Between:

C.C. Veera Venkata Satyanarayana Murthy, S/o Suryanarayana Rao,
R/o Vedhuru Paka, Rayavaram Mandal, East Godavari District.

..... PETITIONER

AND

1 The Deputy Registrar of Cooperative Societies,

Rajahmundry, East Godavari District.
2 The Pandalapaka Primary Agriculture

Cooperative Credit Society Ltd.,NO. 02101,

Rep. by its Chairman Person/Person In-charge

Committee, Pandalapaka village,
Bikkavolu Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate, Writ, order or direction declaring the action of the 1st respondent in directing the 2nd respondent proceedings in R.C.No. 3645/2004-E1 dated 8-9-2004 to place me under suspension and consequential action of the 2nd respondent placing me under suspension by passing a resolution No.1 dated 27-9-2004 as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

Counsel for the Petitioner: Mr. Y.V.SRINIVASAN

Counsel for the Respondent No.1: GP FOR COOPERATION

Counsel for the Respondent No.2 : Smt.K.Rajyalakshmi

The Court made the following :

ORDER:

This writ petition is filed challenging the suspension order, dated 08-09-2004 of the petitioner, issued by the 1st respondent-Deputy Registrar of Cooperative Societies, Rajahmundry as arbitrary and illegal.

As can be seen from the impugned proceedings, basing on the audit report, the 1st respondent found certain serious financial irregularities and also misappropriation of an amount to a tune of Rs.1,30,295/- by the petitioner. Therefore, the 1st respondent exercising the powers under Section 59 of the Andhra Pradesh Cooperative Societies Act VII of 1964 (for short 'the Act'), directed the Person-In-Charge Committee of the Pandalapaka Primary Agricultural Cooperative Credit Society Limited to place the petitioner under suspension and also take final action on the recommendation of the Domestic Inquiry Report. Basing on the same, the 2nd respondent passed a resolution suspending the petitioner pending enquiry.

Normally, this Court will not interfere with a suspension order pending enquiry, unless, the jurisdiction of the authority, who passed the suspension order, is under challenge.

The order under challenge does not suffer from any legal infirmity so as to call for interference by this Court. This order is completely in accordance with Section 59 of the Act. However, a direction can be given to the 2nd respondent to complete the enquiry within a certain period.

Accordingly, the writ petition is disposed of, directing the 2nd respondent to complete the enquiry within a period of three months from the date of receipt of a copy of this order. It is also made clear that the petitioner is entitled for the subsistence

allowance during the period of suspension. It is also made clear that the interim stay granted earlier shall stand vacated. No costs.

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08-12-2004

vs

To

1 The Deputy Registrar of Cooperative Societies,

Rajahmundry, East Godavari District.

2 The Chairman Person/Person In-Charge committee, Pandalapaka

Primary Agriculture Cooperative Credit Society Ltd.,NO. 02101,

Pandalapaka village,
Bikkavolu Mandal, East Godavari District.

3 Two CCs to the G.P for Cooperation, High Court Buildings,

Hyderabad(O.U.T).

4 Two CD copies.